



मध्यप्रदेश राजपत्र

प्राधिकार से प्रकाशित

क्रमांक 28]

भोपाल, शुक्रवार, दिनांक 12 जुलाई 2013—आषाढ़ 21, शक 1935

भाग ४

विषय-सूची

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| (क) (1) मध्यप्रदेश विधेयक, | (2) प्रवर समिति के प्रतिवेदन, | (3) संसद में पुरःस्थापित विधेयक. |
| (ख) (1) अध्यादेश, | (2) मध्यप्रदेश अधिनियम, | (3) संसद के अधिनियम. |
| (ग) (1) प्रारूप नियम, | (2) अन्तिम नियम. | |

भाग ४ (क)—कुछ नहीं

भाग ४ (ख)

अध्यादेश

विधि और विधायी कार्य विभाग

Bhopal, the 3rd July 2013

No. 5112-161-XXI-A(Dr.).—The following Ordinance promulgated by the President of India published in the Gazette of India, Extra-ordinary Part II, Section 1, dated the 5th June 2013 is hereby republished for general information.

By order and in the name of the Governor of Madhya Pradesh,
RAJESH YADAV, Addl. Secy.

THE READJUSTMENT OF REPRESENTATION OF SCHEDULED CASTES AND SCHEDULED TRIBES IN PARLIAMENTARY AND ASSEMBLY CONSTITUENCIES (SECOND) ORDINANCE, 2013

(No. 6 OF 2013)

Promulgated by the President in the Sixty-fourth Year of the Republic of India.

An Ordinance to provide for the readjustment of seats in the House of the People and in the Legislative Assemblies of the States and for the readjustment of territorial constituencies therefor, insofar as such readjustment is necessitated by inclusion in or exclusion from the lists of the Scheduled Castes and the Scheduled Tribes and for matters connected therewith or incidental thereto.

WHEREAS the Readjustment of Representation of Scheduled Castes and Scheduled Tribes in Parliamentary and Assembly Constituencies Ordinance, 2013, to provide for the aforesaid matters, was promulgated by the President on the 30th January, 2013;

AND WHEREAS the Readjustment of Representation of Scheduled Castes and Scheduled Tribes in Parliamentary and Assembly Constituencies Bill, 2013 was introduced in the council of States to replace the said Ordinance;

AND WHEREAS the said Bill was referred by the Chairman of the Council of States to the Department Related parliamentary Standing Committee on Personnel, Public Grievances, Law and justice on the 18th March, 2013;

AND WHEREAS the said Standing Committee presented its Fifty-ninth Report to the council of States on the 2nd May, 2013 recommending that the Bill be passed;

AND WHEREAS the said Ordinance has lapsed;

AND WHEREAS the said Bill could not be passed by the Council of the States;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to validate the action taken under the said Ordinance so lapsed and to take further action to provide for the aforesaid matters;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

Short title and
commencement.

1. (1) This Ordinance may be called the Readjustment of Representation of Scheduled Castes and Scheduled Tribes in Parliamentary and Assembly Constituencies (Second) Ordinance, 2013.

(2) It shall be deemed to have come into force on the 30th day of January, 2013.

Definitions.

2. In this Ordinance, unless the context otherwise requires,—

(a) "Census Commissioner" means the Census Commissioner appointed under sub-section (1) of section 4 of the Census Act, 1948;

37 of 1948.

(b) "Commission" means the Election Commission referred to in article 324 of the Constitution;

(c) "Delimitation Act" means the Delimitation Act, 2002;

33 of 2002.

(d) "Delimitation Order" means the Delimitation of Parliamentary and Assembly Constituencies Order, 2008;

(e) "last census" means the census held in India in 2001;

(f) "Scheduled Castes Orders" means the Constitution (Scheduled Castes) Order, 1950, the Constitution (Scheduled Castes) (Union Territories) Order, 1951, the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962 and the Constitution (Puducherry) Scheduled Castes Order, 1964, made by the President under article 341 of the Constitution;

(g) "Scheduled Tribes Orders" means the Constitution (Scheduled Tribes) Order, 1950, the Constitution (Scheduled Tribes) (Union Territories) Order, 1951, the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967 and the Constitution (Sikkim) Scheduled Tribes Order, 1978, made by the President under article 342 of the Constitution;

(h) "State" includes a Union territory having a Legislative Assembly but does not include the State of Jammu and Kashmir.

Estimation of
population of
Scheduled
Castes and
Scheduled
Tribes.

3. (1) As soon as may be after the commencement of this Ordinance, the population as at the last census, of the Scheduled Castes or, as the case may be, of the Scheduled Tribes, in each State shall be ascertained or estimated by the Census Commissioner.

(2) Where by reason of the amendments made in the Scheduled Castes Orders and the Scheduled Tribes Orders after the last census and upto 31st May, 2012, the population of the Scheduled Castes or the Scheduled Tribes as at the last census is varied in a State, the Census Commissioner shall ascertain or estimate as on the 1st day of March, 2001, the population of the Scheduled Castes or the Scheduled Tribes so varied, and also ascertain or estimate the proportion of such population of the Scheduled Castes or the Scheduled Tribes, respectively, to the total population of the State in the last census.

(3) The population figures ascertained or estimated under sub-section (2) shall be notified by the Census Commissioner in the Gazette of India.

(4) The population figures so notified shall be taken to be the relevant population figures as ascertained or estimated at the last census and shall supersede any figures

previously published; and the figures so notified shall be final and shall not be called in question in any court.

43 of 1950.

4. (1) After the population figures have been notified for any State under section 3, the Commission shall make such amendments as may be necessary in the Delimitation Order, having regard to the provisions of articles 81, 170, 330 and 332 of the Constitution, of section 8 of the Delimitation Act, and of this Ordinance, for the purpose of giving proper representation to the Scheduled Castes or, as the case may be, to the Scheduled Tribes of that State, and the First Schedule and the Second Schedule to the Representation of the People Act, 1950 shall be deemed to have been amended accordingly.

Readjustment
of territorial
constituencies
by
Commission.

(2) In making any amendments in the Delimitation Order under sub-section (1), the Commission shall, as far as may be necessary, have regard to the provisions of clauses (c) and (d) of sub-section (1) of section 9 of the Delimitation Act.

(3) The Commission shall—

(a) publish its proposals for the amendments in the Gazette of India and the Official Gazette of the State concerned and also in such other manner as it thinks fit;

(b) specify a date on or after which such proposals will be further considered by it;

(c) consider all objections and suggestions which may have been received by it before the date so specified and for such consideration hold one or more public sittings at such place or places in each State as it thinks fit; and

(d) thereafter make necessary amendments in the Delimitation Order.

5 of 1908.

5. (1) In the discharge of its functions under this Ordinance, the Commission shall determine its own procedure and shall have all the powers of a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—

Procedure and
powers of
Commission.

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the production of any document; and

(c) requisitioning any public record from any court or office.

(2) The Commission shall have the power to require any person to furnish any information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, any matter under the consideration of the Commission.

2 of 1974.

(3) The Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

Explanation.—For the purposes of enforcing the attendance of witnesses, the local limits of the jurisdiction of the Commission shall be the limits of the territory of India.

6. (1) The Commission shall cause the amendments made by it in the Delimitation Order to be published in the Gazette of India and in the Official Gazettes of the States concerned.

Publication of
amendments
and their
dates of
operation.

(2) Upon publication in the Gazette of India, every such amendment shall have the force of law and shall not be called in question in any court.

(3) As soon as may be after such publication in the Gazette of India, every such amendment shall be laid before the House of the People and the Legislative Assembly of the State concerned.

(4) Subject to the provisions of sub-section (5), the readjustment of seats and territorial constituencies in the House of the People or in the Legislative Assembly of a State necessitated by any amendments made by the Commission in the Delimitation Order and provided for in that Order as so amended shall apply in relation to every election to the House or, as the case may be, to the Assembly, held after the publication of such amendments in the

Gazette of India and shall so apply in supersession of the provisions relating to representation contained in the Representation of the People Act, 1950.

43 of 1950.

(5) Nothing contained in the foregoing sub-sections shall affect the representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the House or of the Assembly, as the case may be, existing on the date of publication of the amendments made by the Commission in the Gazette of India.

Certain other powers of Commission.

7. (1) The Commission may, from time to time, by notification in the Gazette of India and in the Official Gazette of the State concerned,—

(a) correct any printing mistake in the Delimitation Order as amended under this Ordinance, or any error occurring therein from any inadvertent slip or omission; and

(b) where the boundaries or the name of any district or any territorial division mentioned in the said Order are or is altered, make such amendments as appear to it to be necessary or expedient for bringing the Order up-to-date.

(2) Every notification under this section shall be laid, as soon as may be after it is issued, before the House of the People and the Legislative Assembly of the State concerned.

Validation of acts done previous to the commencement of Ordinance.

8. All things done, and all steps taken, before the commencement of this Ordinance by the Census Commissioner for the ascertainment or estimation of population of the Scheduled Castes and the Scheduled Tribes, or by the Commission for the purpose of readjustment of seats and territorial constituencies shall, insofar as they are in conformity with the provisions of this Ordinance, be deemed to have been done or taken under these provisions as if such provisions were in force at the time such things were done or such steps were taken.

Power to remove difficulties.

9. (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Ordinance, as appear to it to be necessary or expedient for removing the difficulty.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of Parliament.

Validation of action taken under the lapsed Ordinance 2 of 2013.

10. Notwithstanding the lapse of the Readjustment of Representation of Scheduled Castes and Scheduled Tribes in Parliamentary and Assembly Constituencies Ordinance, 2013, anything done or any action taken under the said Ordinance so lapsed shall always be deemed to have been done or taken under the corresponding provisions of this Ordinance as if such provisions had been in force at all material time.

PRANAB MUKHERJEE,
President.

N.L. MEENA,
Additional Secy. to the Govt. of India.

CORRIGENDA

In the Indian Medical Council (Amendment) Ordinance, 2013, (4 of 2013), as published in the Gazette of India, Extraordinary, Part II, Section 1, Issue No. 22, dated the 21st May, 2013,—

(i) at page 1, in the Preamble, in paragraph 2, in line 2, for "circumstances", read "circumstances"; and

(ii) at page 4, in line 11, for "expiry", read "expiry".

संसद् के अधिनियम

विधि और विधायी कार्य विभाग

Bhopal, the 3rd July 2013

No. 5113-181-XXI-A(Dr.).—The following Act of the Parliament, published in the Gazette of India, Extraordinary Part II, Section 1, dated the 7th June, 2013 is hereby republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 7th June, 2013.

By order and in the name of the Governor of Madhya Pradesh,
RAJESH YADAV, Addl. Secy.

THE NATIONAL INSTITUTES OF TECHNOLOGY (AMENDMENT) ACT, 2012

(Act No. 28 OF 2012)

An Act to amend the National Institutes of Technology Act, 2007.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the National Institutes of Technology (Amendment) Act, 2012. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

29 of 2007. 2. In the National Institutes of Technology Act, 2007 (hereinafter referred to as the principal Act), in the long title, for the words “certain institutions of technology”, the words “certain institutions of technology, science education and research” shall be substituted. Amendment of long title.

3. In section 1 of the principal Act, in sub-section (1), for the words “National Institutes of Technology”, the words “National Institutes of Technology, Science Education and Research” shall be substituted. Amendment of section 1.

4. In section 2 of the principal Act, for the words “the Schedule”, the words “the First Schedule and the Second Schedule” shall be substituted. Amendment of section 2.

Amendment of
section 3.

5. In section 3 of the principal Act,—

(i) in clause (c), for the words “the Schedule” at both the places where they occur, the words “the First Schedule and the Second Schedule” shall be substituted;

(ii) in clause (d), after the word and figures “section 30”, the words, brackets, figures and letter “or sub-section (1) of section 30A, as the case may be,” shall be inserted;

(iii) in clause (g), for the words “the Schedule”, the words “the First Schedule and the Second Schedule” shall be substituted;

(iv) in clause (k), for the words “the Schedule”, the words “the First Schedule and the Second Schedule” shall be substituted;

(v) in clause (m), for the words “the Schedule”, the words “the First Schedule and the Second Schedule” shall be substituted.

Amendment of
section 4.

6. In section 4 of the principal Act, in sub-section (1), for the words, “the Schedule” the words “the First Schedule and the Second Schedule” shall be substituted.

Amendment of
section 6.

7. In section 6 of the principal Act, in sub-section (1), in clause (h), the words “and the Deputy Director” shall be omitted.

Amendment of
section 11.

8. In section 11 of the principal Act,—

(i) for the word “Institute” wherever it occurs, the words “Institute mentioned in the First Schedule” shall be substituted;

(ii) in clause (e), the word “and” occurring at the end shall be omitted;

(iii) after clause (f), the following clause shall be inserted, namely:—

“(g) the Director of the Indian Institute of Technology in whose zone the Institute is located, or his nominee, not below the rank of a Professor.”.

Insertion of
new section
11A.

9. After section 11 of the principal Act, the following section shall be inserted, namely:—

Board of
Institutes of
Second
Schedule.

“11A. The Board of every Institute mentioned in the Second Schedule shall consist of the following members, namely:—

(a) the Chairperson to be nominated by the Visitor;

(b) Secretary, Department of Higher Education, Government of India, or his nominee not below the rank of the Joint Secretary to the Government of India, *ex officio*;

(c) Director of the Institute, *ex officio*;

(d) Director of Indian Institute of Science, Bangalore, *ex officio*;

(e) Director of one of the Indian Institutes of Technology, to be nominated by the Central Government;

(f) two Secretaries to the Government of India, to be nominated by the Central Government representing its Scientific or Industrial Ministries;

(g) Chief Secretary of the State in which the Institute is located, or his nominee not below the rank of the Joint Secretary to the Government of India, *ex officio*;

(h) two professors of the Institute to be nominated by the Senate;

(i) two eminent scientists, to be nominated by the Council, having special knowledge or practical experience in respect of education, engineering or science, one of whom shall be a woman; and

(j) Financial Advisor, Ministry of Human Resource Development, *ex officio*.”.

10. In section 12 of the principal Act,—

Amendment of
section 12.

(i) in clause (c), after the figures "11", the words, brackets, letters and figures "and clause (h) of section 11A" shall be inserted;

(ii) in clause (d), after the word and figures "section 11", the words, figures and letter "or section 11A, as the case may be," shall be inserted;

(iii) in clause (f), after the figures "11", the words, brackets, letters and figures "and clauses (c) and (h) of section 11A" shall be inserted.

11. In section 17 of the principal Act,—

Amendment of
section 17.

(a) in sub-section (1), the words "and Deputy Director" shall be omitted;

(b) for sub-section (5), the following sub-section shall be substituted, namely:—

"(5) The Deputy Director of every Institute shall be appointed in such manner and on such terms and conditions as may be laid down by the Statutes and shall exercise such powers and perform such duties as may be assigned to him by this Act or the Statutes or by the Director."

12. In section 24 of the principal Act, the words "and Deputy Director" shall omitted.

Amendment of
section 24.

13. In section 30 of the principal Act, in sub-section (1), for the word "Schedule", the words "First Schedule" shall be substituted.

Amendment of
section 30.

14. After section 30 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
30A.

"30A. (1) With effect from such date as the Central Government may, by notification, specify in this behalf, there shall be established for all the Institutes specified in column 3 of the Second Schedule, a central body to be called the Council.

Establishment
of Council for
the Institutes
of Second
Schedule.

(2) The Council under sub-section (1) shall consist of the following members, namely:—

(a) the Minister in charge of the Ministry or Department of the Central Government having administrative control of the technical education, *ex officio*, Chairman;

(b) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of the technical education, *ex officio*, Vice-Chairman;

(c) the Chairperson of every Board of the Institutes mentioned in the Second Schedule, *ex officio*;

(d) the Director of every Institute mentioned in the Second Schedule, *ex officio*;

(e) the Chairman, University Grants Commission, *ex officio*;

(f) the Director-General, Council of Scientific and Industrial Research, *ex officio*;

(g) four Secretaries to the Government of India to represent the Ministries or Departments of the Central Government dealing with bio-technology, atomic energy, information technology and space, *ex officio*;

(h) the Chairman, Defence Research and Development Organisation, *ex officio*;

(i) not less than three, but not more than five persons to be nominated by the Visitor, at least one of whom shall be a woman, having special knowledge or practical experience in respect of education, industry, science or technology;

(j) three members of Parliament, of whom two shall be chosen by the House of the People and one by the Council of States:

Provided that the office of member of the Council shall not disqualify its holder for being chosen as or for being, a member of either House of Parliament;

(k) two Secretaries to the State Government, from amongst the Ministries or Departments of that Government dealing with technical education where the Institute is located, *ex officio*;

(l) Financial Adviser, dealing with the Human Resource Development Ministry or Departments of that Government dealing with technical education where the Institute is located, *ex officio*; and

(m) one officer not below the rank of the Joint Secretary to the Government of India in the Ministry or Department of the Central Government having administrative control of the scientific or technical education, *ex officio*, Member-Secretary.”

Amendment
of section 31.

15. In section 31 of the principal Act, in sub-section (2), after the word and figures “section 30”, the words, brackets, letters and figures “and clause (j) of sub-section (2) of section 30A” shall be inserted.

Amendment
of section 37.

16. In section 37 of the principal Act,—

(i) in clause (a), after the words “every Institute”, the words “mentioned in the First Schedule” shall be inserted;

(ii) after clause (b), the following clauses shall be inserted, namely:—

“(c) recruitment process and disciplinary proceedings, which had commenced before the commencement of the National Institutes of Technology (Amendment) Act, 2012, shall be completed, *mutatis mutandis*, in accordance with the relevant provisions in force immediately before such commencement.

Explanation.— Recruitment process for a post may be taken to have commenced from the date of publication of the advertisement inviting application for the post, and disciplinary proceedings against an employee of the Institute may be taken to have commenced on the date of issue of charge sheet for major penalty or show cause notice for minor penalty to such employee;

(d) all matters, which are meant to be provided through Statutes and Ordinances under sections 25 and 27, respectively, shall, till such Statutes and Ordinances are made, be governed, *mutatis mutandis*, by the corresponding provisions in force immediately before the commencement of this Act.”

Transitional
provisions in
respect of
Institutes of
Second
Schedule.

17. Notwithstanding anything contained in this Act—

(a) the Board of every Institute specified in the Second Schedule functioning as such immediately before the commencement of this Act shall continue to so function until a new Board is constituted for that Institute under this Act, but on the constitution of a new Board under this Act, members of the Board holding office before such constitution shall cease to hold office;

(b) every Senate constituted in relation to every Institute before the commencement of this Act shall be deemed to be the Senate constituted under this Act unless a Senate is constituted under this Act for that Institute but on the constitution of new Senate under this Act, members of the Senate holding office before such constitution shall cease to hold office.

Power to
remove
difficulties.

18. (1) If any difficulty arises in giving effect to the provisions of the National Institutes of Technology (Amendment) Act, 2012, the Central Government may, by

order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

19. (1) The Schedule to the principal Act shall be numbered as the First Schedule and in the First Schedule as so numbered, after Sl. No. 20 and the entries relating thereto, the following shall be inserted, namely:—

Amendment
of Schedule.

"21.	National Institute of Technology, Goa, Society	National Institute of Technology, Goa.
22.	National Institute of Technology, Puducherry Society	National Institute of Technology, Puducherry.
23.	National Institute of Technology, Delhi Society	National Institute of Technology, Delhi
24.	National Institute of Technology, Sumari (Srinagar), Uttarakhand Society	National Institute of Technology, Uttarakhand.
25.	National Institute of Technology, Sohra (Meghalaya) Society	National Institute of Technology, Meghalaya
26.	National Institute of Technology, Mizoram Society	National Institute of Technology, Mizoram
27.	National Institute of Technology, Manipur Society	National Institute of Technology, Manipur.
28.	National Institute of Technology, Nagaland Society	National Institute of Technology, Nagaland
29.	National Institute of Technology, Arunachal Pradesh Society	National Institute of Technology, Arunachal Pradesh
30.	National Institute of Technology, Sikkim	National Institute of Technology, Sikkim."

(2) After the First Schedule as so numbered, the following Schedule shall be inserted, namely:—

"THE SECOND SCHEDULE

[See sections 3(g), (m), 4(1) and 11A]

LIST OF INDIAN INSTITUTES OF SCIENCE EDUCATION RESEARCH

Sl. No.	Society	Corresponding Institute
1	2	3
1.	Indian Institute of Science Education and Research, Kolkata Society	Indian Institute of Science Education and Research, Kolkata.
2.	Indian Institute of Science Education and Research, Pune Society	Indian Institute of Science Education and Research, Pune
3.	Indian Institute of Science Education and Research, Mohali Society	Indian Institute of Science Education and Research, Mohali.
4.	Indian Institute of Science Education and Research, Bhopal Society	Indian Institute of Science Education and Research, Bhopal
5.	Indian Institute of Science Education and Research, Thiruvananthapuram Society	Indian Institute of Science Education and Research, Thiruvananthapuram."

Bhopal, the 3rd July 2013

No. 5113-181-XXI-A(Dr.).—The following Act of the Parliament, published in the Gazette of India, Extraordinary Part II, Section 1, dated the 7th June, 2013 is hereby republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 7th June, 2013.

By order and in the name of the Governor of Madhya Pradesh,
RAJESH YADAV, Addl. Secy.

THE ANAND MARRIAGE (AMENDMENT) ACT, 2012

(Act No. 29 OF 2012)

An Act further to amend the Anand Marriage Act, 1909.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Anand Marriage (Amendment) Act, 2012.

Short title
and com-
mencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

7 of 1909.

2. In section 2 of the Anand Marriage Act, 1909 (hereinafter referred to as the principal Act), after the words "the Sikh Marriage ceremony called Anand", the words "(commonly known as Anand Karaj)" shall be inserted.

Amendment
of section 2.

3. After section 5 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section 6.

25 of 1955.

"6. (1) For the purposes of facilitation of proof of marriage ceremony (commonly known as Anand Karaj) customary among the Sikhs, the State Government shall, without prejudice to anything contained in the Hindu Marriage Act, 1955 or any other law for the time being in force, make rules providing that the parties to any such marriage [whether solemnized before or after the commencement of the Anand Marriage

Registration
of marriages.

(Amendment) Act, 2012], may have the particulars relating to their marriage entered, in such manner and subject to such conditions as may be provided in the said rules, in a Marriage Register kept by such officer of the State Government or of a local authority authorised by the State Government, by notification in the Official Gazette, in this behalf.

(2) The Marriage Register shall, at all reasonable times, be open for inspection, and shall be admissible as evidence of the statements contained therein and certified extracts therefrom shall, on an application, be given by the Registrar to the parties to the marriage on payment of such fees as may be provided in the rules.

(3) Notwithstanding anything contained in this section, the validity of any Anand Marriage solemnized shall in no way be affected by the omission to make an entry in the Marriage Register.

(4) Every rule made by the State Government under this section shall be laid before the State Legislature, as soon as may be, after they are made.

(5) The parties to the marriage, whose marriage has been registered under this Act, shall not be required to get their marriage registered under any other law for the time being in force (including State Act)."

Bhopal, the 3rd July 2013

No. 5113-181-XXI-A(Dr.).—The following Act of the Parliament, published in the Gazette of India, Extraordinary Part II, Section 1, dated the 19th June, 2012 is hereby republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 19th June, 2012.

By order and in the name of the Governor of Madhya Pradesh,
RAJESH YADAV, Addl. Secy.

THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION (AMENDMENT) ACT, 2012

(Act No. 30 OF 2012)

An Act to amend the Right of Children to Free and Compulsory Education Act, 2009.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2012. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

35 of 2009. 2. In the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the principal Act), in section 1, after sub-section (3), the following sub-sections shall be inserted, namely:— Amendment of section 1.

“(4) Subject to the provisions of articles 29 and 30 of the Constitution, the provisions of this Act shall apply to conferment of rights on children to free and compulsory education.

(5) Nothing contained in this Act shall apply to Madrasas, Vedic Pathshalas and educational institutions primarily imparting religious instruction.”.

Amendment
of section 2.

3. In the principal Act, in section 2,—

(a) in clause (d), after the word "means", the words "a child with disability or" shall be inserted;

(b) after clause (e), the following clause shall be inserted, namely:—

'(ee) "child with disability" includes,—

(A) a child with "disability" as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;

1 of 1996.

(B) a child, being a person with disability as defined in clause (j) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999;

44 of 1999.

(C) a child with "severe disability" as defined in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999.

44 of 1999.

Amendment
of section 3.

4. In section 3 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

(1) Every child of the age of six to fourteen years, including a child referred to in clause (d) or clause (e) of section 2, shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education.

(b) in sub-section (2), the proviso shall be omitted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

'(3) A child with disability referred to in sub-clause (A) of clause (ee) of section 2 shall, without prejudice to the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, and a child referred to in sub-clauses (B) and (C) of clause (ee) of section 2, have the same rights to pursue free and compulsory elementary education which children with disabilities have under the provisions of Chapter V of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 :

1 of 1996.

Provided that a child with "multiple disabilities" referred to in clause (h) and a child with "severe disability" referred to in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 may also have the right to opt for home-based education.'

44 of 1999.

Amendment
of section 21.

5. In section 21 of the principal Act, in sub-section (2), the following proviso shall be inserted, namely:—

"Provided that the School Management Committee constituted under sub-section (1) in respect of,—

(a) a school established and administered by minority whether based on religion or language; and

(b) all other aided schools as defined in sub-section (ii) of clause (n) of section 2,

shall perform advisory function only."

Amendment
of section 22.

6. In section 22 of the principal Act, in sub-section (1), for the words "School Management Committee, constituted", the words "School Management Committee, except the School Management Committee in respect of a school established and administered by minority, whether based on religion or language and an aided school as defined in sub-clause (ii) of clause (n) of section 2, constituted" shall be substituted.

7. In section 25 of the principal Act, in sub-section (1), for the words "Within six months", the words "Within three years" shall be substituted. Amendment of section 25.

8. After section 38 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 39.

"39. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty: Power of Central Government to remove difficulties.

Provided that no order shall be made under this section after the expiry of three years from the commencement of the Right of Children to Free and Compulsory Education (Amendment) Act, 2012.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament."

Bhopal, the 3rd July 2013

No. 5113-181-XXI-A(Dr.).—The following Act of the Parliament, published in the Gazette of India, Extraordinary Part II, Section 1, dated the 19th June, 2012 is hereby republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 19th June, 2012.

By order and in the name of the Governor of Madhya Pradesh,
RAJESH YADAV, Addl. Secy.

THE CENTRAL EDUCATIONAL INSTITUTION (RESERVATION IN ADMISSION) AMENDMENT ACT, 2012

(Act No. 31 OF 2012)

An Act to amend the Central Educational Institutions (Reservation in Admission) Act, 2006.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. This Act may be called the Central Educational Institutions (Reservation in Admission) Amendment Act, 2012. Short title.

5 of 2007. 2. In section 2 of the Central Educational Institutions (Reservation in Admission) Act, 2006 (hereinafter referred to as the principal Act), after clause (i), the following clauses shall be inserted, namely:— Amendment of section 2.

'(ia) "specified north-eastern region" means the area comprising of the States of Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura and the tribal areas of Assam referred to in the Sixth Schedule to the Constitution;

(ib) "State seats", in relation to a Central Educational Institution, means such seats, if any, out of the annual permitted strength in each branch of study or faculty as

are earmarked to be filled from amongst the eligible students of the State in which such institution is situated;’.

Amendment
of section 3.

3. In section 3 of the principal Act, the following provisos shall be inserted, namely:—

"Provided that the State seats, if any, in a Central Educational Institution situated in the tribal areas referred to in the Sixth Schedule to the Constitution shall be governed by such reservation policy for the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes, as may be specified, by notification in the Official Gazette, by the Government of the State where such institution is situated:

Provided further that if there are no State seats in a Central Educational Institution and the seats reserved for the Scheduled Castes exceed the percentage specified under clause (i) or the seats reserved for the Scheduled Tribes exceed the percentage specified under clause (ii) or the seats reserved for the Scheduled Castes and the Scheduled Tribes taken together exceed the sum of percentages specified under clauses (i) and (ii), but such seats are—

(a) less than fifty per cent. of the annual permitted strength on the date immediately preceding the date of commencement of this Act, the total percentage of the seats required to be reserved for the Other Backward Classes under clause (iii) shall be restricted to the extent such sum of percentages specified under clauses (i) and (ii) falls short of fifty per cent. of the annual permitted strength;

(b) more than fifty per cent. of the annual permitted strength on the date immediately preceding the date of commencement of this Act, in that case no seat shall be reserved for the Other Backward Classes under clause (iii) but the extent of the reservation of seats for the Scheduled Castes and the Scheduled Tribes shall not be reduced in respect of Central Educational Institutions in the specified north-eastern region.”.

Amendment
of section 4.

4. In section 4 of the principal Act, clause (a) shall be omitted.

Amendment
of section 5.

5. In section 5 of the principal Act,—

(a) in sub-section (1), for the words "number of such seats available", the words "number of such seats available or actually filled, whichever be less," shall be substituted;

(b) in sub-section (2), for the words "three years", the words "six years" shall be substituted.

Amendment
of section 6.

6. In section 6 of the principal Act, for the figures "2007", the figures "2008" shall be substituted.

THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II

SEXUAL OFFENCES AGAINST CHILDREN

A.—PENETRATIVE SEXUAL ASSAULT AND PUNISHMENT THEREFOR

3. Penetrative sexual assault.
4. Punishment for penetrative sexual assault.

B.—AGGRAVATED PENETRATIVE SEXUAL ASSAULT AND PUNISHMENT THEREFOR

5. Aggravated penetrative sexual assault.
6. Punishment for aggravated penetrative sexual assault.

C.—SEXUAL ASSAULT AND PUNISHMENT THEREFOR

7. Sexual assault.
8. Punishment for sexual assault.

D.—AGGRAVATED SEXUAL ASSAULT AND PUNISHMENT THEREFOR

9. Aggravated sexual assault.
10. Punishment for aggravated sexual assault.

E.—SEXUAL HARASSMENT AND PUNISHMENT THEREFOR

11. Sexual harassment.
12. Punishment for sexual harassment.

CHAPTER III

USING CHILD FOR PORNOGRAPHIC PURPOSES AND PUNISHMENT THEREFOR

13. Use of child for pornographic purposes.
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ABETMENT OF AND ATTEMPT TO COMMIT AN OFFENCE

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THE SCHEDULE.

Bhopal, the 3rd July 2013

No. 5113-181-XXI-A(Dr.).—The following Act of the Parliament, published in the Gazette of India, Extraordinary Part II, Section 1, dated the 19th June, 2012 is hereby republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 19th June, 2012.

By order and in the name of the Governor of Madhya Pradesh,
RAJESH YADAV, Addl. Secy.

THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

(Act No. 32 OF 2012)

An Act to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto.

WHEREAS clause (3) of article 15 of the Constitution, *inter alia*, empowers the State to make special provisions for children;

AND WHEREAS, the Government of India has acceded on the 11th December, 1992 to the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations, which has prescribed a set of standards to be followed by all State parties in securing the best interests of the child;

AND WHEREAS it is necessary for the proper development of the child that his or her right to privacy and confidentiality be protected and respected by every person by all means and through all stages of a judicial process involving the child;

AND WHEREAS it is imperative that the law operates in a manner that the best interest and well being of the child are regarded as being of paramount importance at every stage, to ensure the healthy physical, emotional, intellectual and social development of the child;

AND WHEREAS the State parties to the Convention on the Rights of the Child are required to undertake all appropriate national, bilateral and multilateral measures to prevent—

- (a) the inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) the exploitative use of children in prostitution or other unlawful sexual practices;
- (c) the exploitative use of children in pornographic performances and materials;

AND WHEREAS sexual exploitation and sexual abuse of children are heinous crimes and need to be effectively addressed.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:---

CHAPTER I

PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Act may be called the Protection of Children from Sexual Offences Act, 2012.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. (1) In this Act, unless the context otherwise requires, —

(a) "aggravated penetrative sexual assault" has the same meaning as assigned to it in section 5;

(b) "aggravated sexual assault" has the same meaning as assigned to it in section 9;

(c) "armed forces or security forces" means armed forces of the Union or security forces or police forces, as specified in the Schedule;

(d) "child" means any person below the age of eighteen years;

(e) "domestic relationship" shall have the same meaning as assigned to it in clause (f) of section 2 of the Protection of Women from Domestic Violence Act, 2005;

43 of 2005.

(f) "penetrative sexual assault" has the same meaning as assigned to it in section 3;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "religious institution" shall have the same meaning as assigned to it in the Religious Institutions (Prevention of Misuse) Act, 1988;

41 of 1988.

(i) "sexual assault" has the same meaning as assigned to it in section 7;

(j) "sexual harassment" has the same meaning as assigned to it in section 11;

(k) "shared household" means a household where the person charged with the offence lives or has lived at any time in a domestic relationship with the child;

(l) "Special Court" means a court designated as such under section 28;

(m) "Special Public Prosecutor" means a Public Prosecutor appointed under section 32.

(2) The words and expressions used herein and not defined but defined in the Indian Penal Code, the Code of Criminal Procedure, 1973, the Juvenile Justice (Care and Protection of Children) Act, 2000 and the Information Technology Act, 2000 shall have the meanings respectively assigned to them in the said Codes or the Acts.

45 of 1860.

2 of 1974.

56 of 2000.

21 of 2000.

CHAPTER II

SEXUAL OFFENCES AGAINST CHILDREN

A.—PENETRATIVE SEXUAL ASSAULT AND PUNISHMENT THEREFOR

Penetrative
sexual assault.

3. A person is said to commit "penetrative sexual assault" if—

(a) he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or

(b) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or

(c) he manipulates any part of the body of the child so as to cause penetration into the vagina, urethra, anus or any part of body of the child or makes the child to do so with him or any other person; or

(d) he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do so to such person or any other person.

4. Whoever commits penetrative sexual assault shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may extend to imprisonment for life, and shall also be liable to fine.

Punishment for penetrative sexual assault.

B.—AGGRAVATED PENETRATIVE SEXUAL ASSAULT AND PUNISHMENT THEREFOR

5. (a) Whoever, being a police officer, commits penetrative sexual assault on a child —

Aggravated penetrative sexual assault.

(i) within the limits of the police station or premises at which he is appointed; or

(ii) in the premises of any station house, whether or not situated in the police station, to which he is appointed; or

(iii) in the course of his duties or otherwise; or

(iv) where he is known as, or identified as, a police officer; or

(b) whoever being a member of the armed forces or security forces commits penetrative sexual assault on a child—

(i) within the limits of the area to which the person is deployed; or

(ii) in any areas under the command of the forces or armed forces; or

(iii) in the course of his duties or otherwise; or

(iv) where the said person is known or identified as a member of the security or armed forces; or

(c) whoever being a public servant commits penetrative sexual assault on a child; or

(d) whoever being on the management or on the staff of a jail, remand home, protection home, observation home, or other place of custody or care and protection established by or under any law for the time being in force, commits penetrative sexual assault on a child, being inmate of such jail, remand home, protection home, observation home, or other place of custody or care and protection; or

(e) whoever being on the management or staff of a hospital, whether Government or private, commits penetrative sexual assault on a child in that hospital; or

(f) whoever being on the management or staff of an educational institution or religious institution, commits penetrative sexual assault on a child in that institution; or

(g) whoever commits gang penetrative sexual assault on a child.

Explanation.—when a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of such persons shall be deemed to have committed gang penetrative sexual assault within the meaning of this clause and each of such person shall be liable for that act in the same manner as if it were done by him alone; or

(h) whoever commits penetrative sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance; or

(i) whoever commits penetrative sexual assault causing grievous hurt or causing bodily harm and injury or injury to the sexual organs of the child; or

(j) whoever commits penetrative sexual assault on a child, which—

(i) physically incapacitates the child or causes the child to become mentally ill as defined under clause (l) of section 2 of the Mental Health Act, 1987 or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or

(ii) in the case of female child, makes the child pregnant as a consequence of sexual assault;

(iii) inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, or mentally ill to perform regular tasks; or

(k) whoever, taking advantage of a child's mental or physical disability, commits penetrative sexual assault on the child; or

(l) whoever commits penetrative sexual assault on the child more than once or repeatedly; or

(m) whoever commits penetrative sexual assault on a child below twelve years; or

(n) whoever being a relative of the child through blood or adoption or marriage or guardianship or in foster care or having a domestic relationship with a parent of the child or who is living in the same or shared household with the child, commits penetrative sexual assault on such child; or

(o) whoever being, in the ownership, or management, or staff, of any institution providing services to the child, commits penetrative sexual assault on the child; or

(p) whoever being in a position of trust or authority of a child commits penetrative sexual assault on the child in an institution or home of the child or anywhere else; or

(q) whoever commits penetrative sexual assault on a child knowing the child is pregnant; or

(r) whoever commits penetrative sexual assault on a child and attempts to murder the child; or

(s) whoever commits penetrative sexual assault on a child in the course of communal or sectarian violence; or

(t) whoever commits penetrative sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force; or

(u) whoever commits penetrative sexual assault on a child and makes the child to strip or parade naked in public,

is said to commit aggravated penetrative sexual assault.

Punishment
for aggravated
penetrative
sexual assault.

6. Whoever, commits aggravated penetrative sexual assault, shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.

C.—SEXUAL ASSAULT AND PUNISHMENT THEREFOR

Sexual assault.

7. Whoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault.

8. Whoever, commits sexual assault, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to five years, and shall also be liable to fine. Punishment for sexual assault.

D.—AGGRAVATED SEXUAL ASSAULT AND PUNISHMENT THEREFOR

9. (a) Whoever, being a police officer, commits sexual assault on a child— Aggravated sexual assault.

(i) within the limits of the police station or premises where he is appointed; or

(ii) in the premises of any station house whether or not situated in the police station to which he is appointed; or

(iii) in the course of his duties or otherwise; or

(iv) where he is known as, or identified as a police officer; or

(b) whoever, being a member of the armed forces or security forces, commits sexual assault on a child—

(i) within the limits of the area to which the person is deployed; or

(ii) in any areas under the command of the security or armed forces; or

(iii) in the course of his duties or otherwise; or

(iv) where he is known or identified as a member of the security or armed forces; or

(c) whoever being a public servant commits sexual assault on a child; or

(d) whoever being on the management or on the staff of a jail, or remand home or protection home or observation home, or other place of custody or care and protection established by or under any law for the time being in force commits sexual assault on a child being inmate of such jail or remand home or protection home or observation home or other place of custody or care and protection; or

(e) whoever being on the management or staff of a hospital, whether Government or private, commits sexual assault on a child in that hospital; or

(f) whoever being on the management or staff of an educational institution or religious institution, commits sexual assault on a child in that institution; or

(g) whoever commits gang sexual assault on a child.

Explanation.—when a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of such persons shall be deemed to have committed gang sexual assault within the meaning of this clause and each of such person shall be liable for that act in the same manner as if it were done by him alone; or

(h) whoever commits sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance; or

(i) whoever commits sexual assault causing grievous hurt or causing bodily harm and injury or injury to the sexual organs of the child; or

(j) whoever commits sexual assault on a child, which—

(i) physically incapacitates the child or causes the child to become mentally ill as defined under clause (l) of section 2 of the Mental Health Act, 1987 or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or

(ii) inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, or mentally ill to perform regular tasks; or

(k) whoever, taking advantage of a child's mental or physical disability, commits sexual assault on the child; or

(l) whoever commits sexual assault on the child more than once or repeatedly; or

(m) whoever commits sexual assault on a child below twelve years; or

(n) whoever, being a relative of the child through blood or adoption or marriage or guardianship or in foster care, or having domestic relationship with a parent of the child, or who is living in the same or shared household with the child, commits sexual assault on such child; or

(o) whoever, being in the ownership or management or staff, of any institution providing services to the child, commits sexual assault on the child in such institution; or

(p) whoever, being in a position of trust or authority of a child, commits sexual assault on the child in an institution or home of the child or anywhere else; or

(q) whoever commits sexual assault on a child knowing the child is pregnant; or

(r) whoever commits sexual assault on a child and attempts to murder the child; or

(s) whoever commits sexual assault on a child in the course of communal or sectarian violence; or

(t) whoever commits sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force; or

(u) whoever commits sexual assault on a child and makes the child to strip or parade naked in public,

is said to commit aggravated sexual assault.

Punishment
for aggravated
sexual assault.

10. Whoever, commits aggravated sexual assault shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.

E.—SEXUAL HARASSMENT AND PUNISHMENT THEREFOR

Sexual
harassment.

11. A person is said to commit sexual harassment upon a child when such person with sexual intent,—

(i) utters any word or makes any sound, or makes any gesture or exhibits any object or part of body with the intention that such word or sound shall be heard, or such gesture or object or part of body shall be seen by the child; or

(ii) makes a child exhibit his body or any part of his body so as it is seen by such person or any other person; or

(iii) shows any object to a child in any form or media for pornographic purposes; or

(iv) repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means; or

(v) threatens to use, in any form of media, a real or fabricated depiction through electronic, film or digital or any other mode, of any part of the body of the child or the involvement of the child in a sexual act; or

(vi) entices a child for pornographic purposes or gives gratification therefor.

Explanation.—Any question which involves “sexual intent” shall be a question of fact.

Punishment
for sexual
harassment.

12. Whoever, commits sexual harassment upon a child shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

CHAPTER III

USING CHILD FOR PORNOGRAPHIC PURPOSES AND PUNISHMENT THEREFOR

Use of child for
pornographic
purposes.

13. Whoever, uses a child in any form of media (including programme or advertisement telecast by television channels or internet or any other electronic form or printed form, whether or not such programme or advertisement is intended for personal use or for distribution), for the purposes of sexual gratification, which includes—

(a) representation of the sexual organs of a child;

(b) usage of a child engaged in real or simulated sexual acts (with or without penetration);

(c) the indecent or obscene representation of a child,

shall be guilty of the offence of using a child for pornographic purposes.

Explanation.—For the purposes of this section, the expression “use a child” shall include involving a child through any medium like print, electronic, computer or any other technology for preparation, production, offering, transmitting, publishing, facilitation and distribution of the pornographic material.

14. (1) Whoever, uses a child or children for pornographic purposes shall be punished with imprisonment of either description which may extend to five years and shall also be liable to fine and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also be liable to fine.

Punishment for using child for pornographic purposes.

(2) If the person using the child for pornographic purposes commits an offence referred to in section 3, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

(3) If the person using the child for pornographic purposes commits an offence referred to in section 5, by directly participating in pornographic acts, he shall be punished with rigorous imprisonment for life and shall also be liable to fine.

(4) If the person using the child for pornographic purposes commits an offence referred to in section 7, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than six years but which may extend to eight years, and shall also be liable to fine.

(5) If the person using the child for pornographic purposes commits an offence referred to in section 9, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than eight years but which may extend to ten years, and shall also be liable to fine.

15. Any person, who stores, for commercial purposes any pornographic material in any form involving a child shall be punished with imprisonment of either description which may extend to three years or with fine or with both.

Punishment for storage of pornographic material involving child.

CHAPTER IV

ABETMENT OF AND ATTEMPT TO COMMIT AN OFFENCE

16. A person abets an offence, who—

Abetment of an offence.

First.—Instigates any person to do that offence; or

Secondly.—Engages with one or more other person or persons in any conspiracy for the doing of that offence, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that offence; or

Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that offence.

Explanation I.—A person who, by wilful misrepresentation, or by wilful concealment of a material fact, which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure a thing to be done, is said to instigate the doing of that offence.

Explanation II.—Whoever, either prior to or at the time of commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

Explanation III.—Whoever employ, harbours, receives or transports a child, by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position, vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of any offence under this Act, is said to aid the doing of that act.

17. Whoever abets any offence under this Act, if the act abetted is committed in consequence of the abetment, shall be punished with punishment provided for that offence.

Punishment for abetment.

Explanation.—An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy or with the aid, which constitutes the abetment.

18. Whoever attempts to commit any offence punishable under this Act or to cause such an offence to be committed, and in such attempt, does any act towards the commission of the offence, shall be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life or, as the case

Punishment for attempt to commit an offence.

may be, one-half of the longest term of imprisonment provided for that offence or with fine or with both.

CHAPTER V

PROCEDURE FOR REPORTING OF CASES

Reporting of offences.

19. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any person (including the child), who has apprehension that an offence under this Act is likely to be committed or has knowledge that such an offence has been committed, he shall provide such information to,—

2 of 1974.

- (a) the Special Juvenile Police Unit; or
- (b) the local police.
- (2) Every report given under sub-section (1) shall be—
 - (a) ascribed an entry number and recorded in writing;
 - (b) be read over to the informant;
 - (c) shall be entered in a book to be kept by the Police Unit.

(3) Where the report under sub-section (1) is given by a child, the same shall be recorded under sub-section (2) in a simple language so that the child understands contents being recorded.

(4) In case contents are being recorded in the language not understood by the child or wherever it is deemed necessary, a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, shall be provided to the child if he fails to understand the same.

(5) Where the Special Juvenile Police Unit or local police is satisfied that the child against whom an offence has been committed is in need of care and protection, then, it shall, after recording the reasons in writing, make immediate arrangement to give him such care and protection (including admitting the child into shelter home or to the nearest hospital) within twenty-four hours of the report, as may be prescribed.

(6) The Special Juvenile Police Unit or local police shall, without unnecessary delay but within a period of twenty-four hours, report the matter to the Child Welfare Committee and the Special Court or where no Special Court has been designated, to the Court of Session, including need of the child for care and protection and steps taken in this regard.

(7) No person shall incur any liability, whether civil or criminal, for giving the information in good faith for the purpose of sub-section (1).

Obligation of media, studio and photographic facilities to report cases.

20. Any personnel of the media or hotel or lodge or hospital or club or studio or photographic facilities, by whatever name called, irrespective of the number of persons employed therein, shall, on coming across any material or object which is sexually exploitative of the child (including pornographic, sexually-related or making obscene representation of a child or children) through the use of any medium, shall provide such information to the Special Juvenile Police Unit, or to the local police, as the case may be.

Punishment for failure to report or record a case.

21. (1) Any person, who fails to report the commission of an offence under sub-section (1) of section 19 or section 20 or who fails to record such offence under sub-section (2) of section 19 shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

(2) Any person, being in-charge of any company or an institution (by whatever name called) who fails to report the commission of an offence under sub-section (1) of section 19 in respect of a subordinate under his control, shall be punished with imprisonment for a term which may extend to one year and with fine.

(3) The provisions of sub-section (1) shall not apply to a child under this Act.

Punishment for false complaint or false information.

22. (1) Any person, who makes false complaint or provides false information against any person, in respect of an offence committed under sections 3, 5, 7 and section 9, solely with the intention to humiliate, extort or threaten or defame him, shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

(2) Where a false complaint has been made or false information has been provided by a child, no punishment shall be imposed on such child.

(3) Whoever, not being a child, makes a false complaint or provides false information against a child, knowing it to be false, thereby victimising such child in any of the offences under this Act, shall be punished with imprisonment which may extend to one year or with fine or with both.

23. (1) No person shall make any report or present comments on any child from any form of media or studio or photographic facilities without having complete and authentic information, which may have the effect of lowering his reputation or infringing upon his privacy.

Procedure for media.

(2) No reports in any media shall disclose, the identity of a child including his name, address, photograph, family details, school, neighbourhood or any other particulars which may lead to disclosure of identity of the child:

Provided that for reasons to be recorded in writing, the Special Court, competent to try the case under the Act, may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

(3) The publisher or owner of the media or studio or photographic facilities shall be jointly and severally liable for the acts and omissions of his employee.

(4) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be liable to be punished with imprisonment of either description for a period which shall not be less than six months but which may extend to one year or with fine or with both.

CHAPTER VI

PROCEDURES FOR RECORDING STATEMENT OF THE CHILD

24. (1) The statement of the child shall be recorded at the residence of the child or at a place where he usually resides or at the place of his choice and as far as practicable by a woman police officer not below the rank of sub-inspector.

Recording of statement of a child.

(2) The police officer while recording the statement of the child shall not be in uniform.

(3) The police officer making the investigation, shall, while examining the child, ensure that at no point of time the child come in the contact in any way with the accused.

(4) No child shall be detained in the police station in the night for any reason.

(5) The police officer shall ensure that the identity of the child is protected from the public media, unless otherwise directed by the Special Court in the interest of the child.

2 of 1974.

25. (1) If the statement of the child is being recorded under section 164 of the Code of Criminal Procedure, 1973 (herein referred to as the Code), the Magistrate recording such statement shall, notwithstanding anything contained therein, record the statement as spoken by the child:

Recording of statement of a child by Magistrate.

Provided that the provisions contained in the first proviso to sub-section (1) of section 164 of the Code shall, so far it permits the presence of the advocate of the accused shall not apply in this case.

(2) The Magistrate shall provide to the child and his parents or his representative, a copy of the document specified under section 207 of the Code, upon the final report being filed by the police under section 173 of that Code.

26. (1) The Magistrate or the police officer, as the case may be, shall record the statement as spoken by the child in the presence of the parents of the child or any other person in whom the child has trust or confidence.

Additional provisions regarding statement to be recorded.

(2) Wherever necessary, the Magistrate or the police officer, as the case may be, may take the assistance of a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, while recording the statement of the child.

(3) The Magistrate or the police officer, as the case may be, may, in the case of a child having a mental or physical disability, seek the assistance of a special educator or any person familiar with the manner of communication of the child or an expert in that field, having such qualifications, experience and on payment of such fees as may be prescribed, to record the statement of the child.

(4) Wherever possible, the Magistrate or the police officer, as the case may be, shall ensure that the statement of the child is also recorded by audio-video electronic means.

Medical
examination
of a child.

27. (1) The medical examination of a child in respect of whom any offence has been committed under this Act, shall, notwithstanding that a First Information Report or complaint has not been registered for the offences under this Act, be conducted in accordance with section 164A of the Code of Criminal Procedure, 1973.

2 of 1974.

(2) In case the victim is a girl child, the medical examination shall be conducted by a woman doctor.

(3) The medical examination shall be conducted in the presence of the parent of the child or any other person in whom the child reposes trust or confidence.

(4) Where, in case the parent of the child or other person referred to in sub-section (3) cannot be present, for any reason, during the medical examination of the child, the medical examination shall be conducted in the presence of a woman nominated by the head of the medical institution.

CHAPTER VII

SPECIAL COURTS

Designation
of Special
Courts.

28. (1) For the purposes of providing a speedy trial, the State Government shall in consultation with the Chief Justice of the High Court, by notification in the Official Gazette, designate for each district, a Court of Session to be a Special Court to try the offences under the Act:

Provided that if a Court of Session is notified as a children's court under the Commissions for Protection of Child Rights Act, 2005 or a Special Court designated for similar purposes under any other law for the time being in force, then, such court shall be deemed to be a Special Court under this section.

4 of 2006.

(2) While trying an offence under this Act, a Special Court shall also try an offence [other than the offence referred to in sub-section (1)], with which the accused may, under the Code of Criminal Procedure, 1973, be charged at the same trial.

2 of 1974.

(3) The Special Court constituted under this Act, notwithstanding anything in the Information Technology Act, 2000, shall have jurisdiction to try offences under section 67B of that Act in so far as it relates to publication or transmission of sexually explicit material depicting children in any act, or conduct or manner or facilitates abuse of children online.

21 of 2000.

Presumption
as to certain
offences.

29. Where a person is prosecuted for committing or abetting or attempting to commit any offence under sections 3, 5, 7 and section 9 of this Act, the Special Court shall presume, that such person has committed or abetted or attempted to commit the offence, as the case may be unless the contrary is proved.

Presumption
of culpable
mental state.

30. (1) In any prosecution for any offence under this Act which requires a culpable mental state on the part of the accused, the Special Court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

(2) For the purposes of this section, a fact is said to be proved only when the Special Court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.

Explanation.—In this section, "culpable mental state" includes intention, motive, knowledge of a fact and the belief in, or reason to believe, a fact.

Application of
Code of
Criminal
Procedure,
1973 to
proceedings
before a
Special Court.

31. Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 (including the provisions as to bail and bonds) shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Sessions and the person conducting a prosecution before a Special Court, shall be deemed to be a Public Prosecutor.

2 of 1974.

32. (1) The State Government shall, by notification in the Official Gazette, appoint a Special Public Prosecutor for every Special Court for conducting cases only under the provisions of this Act.

Special Public Prosecutors.

(2) A person shall be eligible to be appointed as a Special Public Prosecutor under sub-section (1) only if he had been in practice for not less than seven years as an advocate.

2 of 1974.

(3) Every person appointed as a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973 and provision of that Code shall have effect accordingly.

CHAPTER VIII

PROCEDURE AND POWERS OF SPECIAL COURTS AND RECORDING OF EVIDENCE

33. (1) A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence, or upon a police report of such facts.

Procedure and powers of Special Court.

(2) The Special Public Prosecutor, or as the case may be, the counsel appearing for the accused shall, while recording the examination-in-chief, cross-examination or re-examination of the child, communicate the questions to be put to the child to the Special Court which shall in turn put those questions to the child.

(3) The Special Court may, if it considers necessary, permit frequent breaks for the child during the trial.

(4) The Special Court shall create a child-friendly atmosphere by allowing a family member, a guardian, a friend or a relative, in whom the child has trust or confidence, to be present in the court.

(5) The Special Court shall ensure that the child is not called repeatedly to testify in the court.

(6) The Special Court shall not permit aggressive questioning or character assassination of the child and ensure that dignity of the child is maintained at all times during the trial.

(7) The Special Court shall ensure that the identity of the child is not disclosed at any time during the course of investigation or trial:

Provided that for reasons to be recorded in writing, the Special Court may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

Explanation.—For the purposes of this sub-section, the identity of the child shall include the identity of the child's family, school, relatives, neighbourhood or any other information by which the identity of the child may be revealed.

(8) In appropriate cases, the Special Court may, in addition to the punishment, direct payment of such compensation as may be prescribed to the child for any physical or mental trauma caused to him or for immediate rehabilitation of such child.

2 of 1974.

(9) Subject to the provisions of this Act, a Special Court shall, for the purpose of the trial of any offence under this Act, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session, and as far as may be, in accordance with the procedure specified in the Code of Criminal Procedure, 1973 for trial before a Court of Session.

56 of 2000.

34. (1) Where any offence under this Act is committed by a child, such child shall be dealt with under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000.

Procedure in case of commission of offence by child and determination of age by Special Court.

(2) If any question arises in any proceeding before the Special Court whether a person is a child or not, such question shall be determined by the Special Court after satisfying itself about the age of such person and it shall record in writing its reasons for such determination.

(3) No order made by the Special Court shall be deemed to be invalid merely by any subsequent proof that the age of a person as determined by it under sub-section (2) was not the correct age of that person.

Period for recording of evidence of child and disposal of case.

35. (1) The evidence of the child shall be recorded within a period of thirty days of the Special Court taking cognizance of the offence and reasons for delay, if any, shall be recorded by the Special Court.

(2) The Special Court shall complete the trial, as far as possible, within a period of one year from the date of taking cognizance of the offence.

Child not to see accused at the time of testifying.

36. (1) The Special Court shall ensure that the child is not exposed in any way to the accused at the time of recording of the evidence, while at the same time ensuring that the accused is in a position to hear the statement of the child and communicate with his advocate.

(2) For the purposes of sub-section (1), the Special Court may record the statement of a child through video conferencing or by utilising single visibility mirrors or curtains or any other device.

Trials to be conducted in camera.

37. The Special Court shall try cases *in camera* and in the presence of the parents of the child or any other person in whom the child has trust or confidence:

Provided that where the Special Court is of the opinion that the child needs to be examined at a place other than the court, it shall proceed to issue a commission in accordance with the provisions of section 284 of the Code of Criminal Procedure, 1973.

2 of 1974.

Assistance of an interpreter or expert while recording evidence of child.

38. (1) Wherever necessary, the Court may take the assistance of a translator or interpreter having such qualifications, experience and on payment of such fees as may be prescribed, while recording the evidence of the child.

(2) If a child has a mental or physical disability, the Special Court may take the assistance of a special educator or any person familiar with the manner of communication of the child or an expert in that field, having such qualifications, experience and on payment of such fees as may be prescribed to record the evidence of the child.

CHAPTER IX

MISCELLANEOUS

Guidelines for child to take assistance of experts, etc.

39. Subject to such rules as may be made in this behalf, the State Government shall prepare guidelines for use of non-governmental organisations, professionals and experts or persons having knowledge of psychology, social work, physical health, mental health and child development to be associated with the pre-trial and trial stage to assist the child.

Right of child to take assistance of legal practitioner.

40. Subject to the proviso to section 301 of the Code of Criminal Procedure, 1973 the family or the guardian of the child shall be entitled to the assistance of a legal counsel of their choice for any offence under this Act:

2 of 1974.

Provided that if the family or the guardian of the child are unable to afford a legal counsel, the Legal Services Authority shall provide a lawyer to them.

Provisions of sections 3 to 13 not to apply in certain cases.

41. The provisions of sections 3 to 13 (both inclusive) shall not apply in case of medical examination or medical treatment of a child when such medical examination or medical treatment is undertaken with the consent of his parents or guardian.

Alternative punishment.

42. Where an act or omission constitute an offence punishable under this Act and also under any other law for the time being in force, then, notwithstanding anything contained in any law for the time being in force, the offender found guilty of such offence shall be liable to punishment only under such law or this Act as provides for punishment which is greater in degree.

43. The Central Government and every State Government, shall take all measures to ensure that—

Public awareness about Act.

(a) the provisions of this Act are given wide publicity through media including the television, radio and the print media at regular intervals to make the general public, children as well as their parents and guardians aware of the provisions of this Act;

(b) the officers of the Central Government and the State Governments and other concerned persons (including the police officers) are imparted periodic training on the matters relating to the implementation of the provisions of the Act.

4 of 2006.

44. (1) The National Commission for Protection of Child Rights constituted under section 3, or as the case may be, the State Commission for Protection of Child Rights constituted under section 17, of the Commissions for Protection of Child Rights Act, 2005, shall, in addition to the functions assigned to them under that Act, also monitor the implementation of the provisions of this Act in such manner as may be prescribed.

Monitoring of implementation of Act.

4 of 2006.

(2) The National Commission or, as the case may be, the State Commission, referred to in sub-section (1), shall, while inquiring into any matter relating to any offence under this Act, have the same powers as are vested in it under the Commissions for Protection of Child Rights Act, 2005.

4 of 2006.

(3) The National Commission or, as the case may be, the State Commission, referred to in sub-section (1), shall, also include, its activities under this section, in the annual report referred to in section 16 of the Commissions for Protection of Child Rights Act, 2005.

45. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the qualifications and experience of, and the fees payable to, a translator or an interpreter, a special educator or any person familiar with the manner of communication of the child or an expert in that field, under sub-section (4) of section 19; sub-sections (2) and (3) of section 26 and section 38;

(b) care and protection and emergency medical treatment of the child under sub-section (5) of section 19;

(c) the payment of compensation under sub-section (8) of section 33;

(d) the manner of periodic monitoring of the provisions of the Act under sub-section (1) of section 44.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

46. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removal of the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of the period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

THE SCHEDULE

[See section 2(c)]

ARMED FORCES AND SECURITY FORCES CONSTITUTED UNDER

- (a) The Air Force Act, 1950 (45 of 1950);
- (b) The Army Act, 1950 (46 of 1950);
- (c) The Assam Rifles Act, 2006 (47 of 2006);
- (d) The Bombay Home Guard Act, 1947 (3 of 1947);
- (e) The Border Security Force Act, 1968 (47 of 1968);
- (f) The Central Industrial Security Force Act, 1968 (50 of 1968);
- (g) The Central Reserve Police Force Act, 1949 (66 of 1949);
- (h) The Coast Guard Act, 1978 (30 of 1978);
- (i) The Delhi Special Police Establishment Act, 1946 (25 of 1946);
- (j) The Indo-Tibetan Border Police Force Act, 1992 (35 of 1992);
- (k) The Navy Act, 1957 (62 of 1957);
- (l) The National Investigation Agency Act, 2008 (34 of 2008);
- (m) The National Security Guard Act, 1986 (47 of 1986);
- (n) The Railway Protection Force Act, 1957 (23 of 1957);
- (o) The Sashastra Seema Bal Act, 2007 (53 of 2007);
- (p) The Special Protection Group Act, 1988 (34 of 1988);
- (q) The Territorial Army Act, 1948 (56 of 1948);
- (r) The State police forces (including armed constabulary) constituted under the State laws to aid the civil powers of the State and empowered to employ force during internal disturbances or otherwise including armed forces as defined in clause (a) of section 2 of the Armed Forces (Special Powers) Act, 1958 (28 of 1958).

Bhopal, the 3rd July 2013

No. 5113-181-XXI-A(Dr).—The following Act of the Parliament, published in the Gazette of India, Extraordinary Part II, Section 1, dated the 19th June, 2012 is hereby republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 19th June, 2012.

By order and in the name of the Governor of Madhya Pradesh,
RAJESH YADAV, Addl. Secy.

THE ADMINISTRATORS-GENERAL (AMENDMENT) ACT, 2012

(Act No. 33 OF 2012)

An Act further to amend the Administrators-General Act, 1963.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Administrators-General (Amendment) Act, 2012.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In sections 9, 10, 29 and 36 of the Administrators-General Act, 1963, for the words "two lakhs", wherever they occur, the words "ten lakhs" shall be substituted.

Amendment of sections 9, 10, 29 and 36 of Act 45 of 1963.

Bhopal, the 3rd July 2013

No. 5113-181-XXI-A(Dr.).—The following Act of the Parliament, published in the Gazette of India, Extraordinary Part II, Section 1, dated the 13th June, 2012 is hereby republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 12th June, 2012.

By order and in the name of the Governor of Madhya Pradesh,
RAJESH YADAV, Addl. Secy.

THE ALL-INDIA INSTITUTE OF MEDICAL SCIENCES (AMENDMENT) ACT, 2012

(Act No. 37 OF 2012)

An Act further to amend the All-India Institute of Medical Sciences Act, 1956.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the All-India Institute of Medical Sciences (Amendment) Act, 2012.

Short title
and
commence-
ment.

(2) It shall be deemed to have come into force on the 16th day of July, 2012.

25 of 1956.

2. In the All-India Institute of Medical Sciences Act, 1956 (hereinafter referred to as the principal Act), in the long title, for the words "an All-India Institute of Medical Sciences", the words "All-India Institutes of Medical Sciences" shall be substituted.

Amendment
of long title.

3. In section 1 of the principal Act, in sub-section (1), for the words "All-India Institute of Medical Sciences", the words "All-India Institutes of Medical Sciences" shall be substituted.

Amendment
of section 1.

4. In section 2 of the principal Act,—

Amendment
of section 2.

(A) for clause (a), the following clauses shall be substituted, namely:—

'(a) "corresponding Institute" means the Institutes referred to in column (3) of the Table given under section 27A;

(aa) "existing Institute" means the All-India Institute of Medical Sciences,—

(i) established under sub-section (1) of section 3, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012; and

(ii) located at New Delhi, as required under section 12 as it stood before such commencement;

(ab) "Fund" means the Fund of the Institute referred to in section 16;—

(B) in clause (c), after the words and figure "under section 3", the words, brackets and figures "and includes the corresponding Institutes and other Institutes which may be established on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012" shall be inserted;

(C) after clause (f), the following clause shall be inserted at the end, namely:—

'(g) "society" means the society referred to in column (2) of the Table given under section 27A.'

Amendment
of section 3.

5. In section 3 of the principal Act,—

(a) in sub-section (1), the following proviso shall be inserted, namely:—

"Provided that the Central Government may, on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, establish by notification in the Official Gazette, such other All-India Institutes of Medical Sciences at such places as it may specify in the said notification in addition to the existing Institute and the corresponding Institutes.";

(b) in sub-section (2), for the words "The Institute", the words "Every Institute" shall be substituted.

Amendment
of section 4.

6. In section 4 of the principal Act,—

(i) in the opening portion, for the words "The Institute", the words "Every Institute" shall be substituted;

(ii) for clause (a), the following clauses shall be substituted, namely:—

"(a) in the case of existing Institute, the Vice-Chancellor of the Delhi University, *ex officio*;

(aa) in the case of every other Institute established on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, the Vice-Chancellor of a University situated in a State in which such Institute has been established after such commencement and such Vice-Chancellor shall be nominated by the Central Government;"

Substitution
of new
section for
section 5.

7. For section 5 of the principal Act, the following section shall be substituted, namely:—

Declaration
of Institutes
as institution
of national
importance.

"5. (1) It is hereby declared that the existing Institute declared as an institution of national importance, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, under section 5 as it stood before such commencement, shall continue to be an institution of national importance.

(2) It is hereby declared that every corresponding Institute shall be an institution of national importance.

(3) It is hereby declared that every Institute established under the proviso to sub-section (1) of section 3, on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be an institution of national importance."

8. In section 7 of the principal Act, in sub-section (1),—

Amendment
of section 7.

(a) for the words "President of the Institute", the words "President for every Institute" shall be substituted;

(b) the following proviso shall be inserted, namely:—

"Provided that the President of the existing Institute shall also be the President of every corresponding Institute and other Institutes established on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, till such date the Central Government nominates a separate President for every corresponding Institute and other Institutes established after such commencement."

9. In section 8 of the principal Act,—

Amendment
of section 8.

(a) for the words "from the Institute", the words "from the Institute of which they are the President and members" shall be substituted;

(b) the following proviso shall be inserted, namely:—

"Provided that in case a person is a President of two or more Institutes, the allowances shall be borne by the Institutes in such proportion as may be prescribed by rules."

10. In section 9 of the principal Act,—

Amendment
of section 9.

(a) for the words "The Institute shall", the words "Every Institute shall" shall be substituted;

(b) for the words "the Institute shall meet", the words "every Institute shall meet" shall be substituted;

(c) the following proviso shall be inserted, namely:—

"Provided that the provisions relating to holding of the first meeting shall not apply to the existing Institute."

11. In section 10 of the principal Act,—

Amendment
of section 10.

(a) in sub-section (1),—

(i) for the words "a Governing Body of the Institute which shall be constituted by the Institute", the words "separate Governing Body for every Institute which shall be constituted by such Institute" shall be substituted;

(ii) the following proviso shall be inserted, namely:—

"Provided that the Governing Body of the existing Institute, constituted before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be deemed to have been constituted under this section.";

(b) in sub-sections (2) and (3), for the words "the Institute", the words "every Institute" shall be substituted;

(c) in sub-section (5),—

(i) for the words "the Institute may constitute", the words "every Institute may constitute" shall be substituted;

(ii) for the words "functions of the Institute", the words "functions of such Institute" shall be substituted;

(d) in sub-section (6),—

(i) for the words "members of the Institute; but an *ad hoc* committee may include persons who are not members of the Institute", the words "members of

every Institute; but an *ad hoc* committee may include persons who are not members of such Institute" shall be substituted;

(ii) the following proviso shall be inserted, namely:—

"Provided that the Standing Committee of the existing Institute constituted, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be deemed to have been constituted under this section."

Amendment
of section 11.

12. In section 11 of the principal Act, in sub-section (1),—

(a) for the words "chief executive officer of the Institute", the words "chief executive officer of every Institute" shall be substituted;

(b) for the words "Director of the Institute", the words "Director of such Institute" shall be substituted;

(c) for the proviso, the following provisos shall be substituted, namely:—

"Provided that the first Director of every Institute (other than the existing Institute), established on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be appointed by the Central Government:

Provided further that in case a Director of a society has been appointed by the Central Government before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, such Director shall be deemed to be the first Director of the concerned corresponding Institute."

Substitution
of new
section for
section 12.

13. For section 12 of the principal Act, the following section shall be substituted, namely:—

Location of
Institutes.

"12. (1) The existing Institute shall be located at New Delhi.

(2) All corresponding Institutes shall be located at the places mentioned in column (3) of the Table given under section 27A.

(3) All Institutes [other than the existing Institute and corresponding Institutes referred to in sub-sections (1) and (2)] shall be located at such places as the Central Government may, by notification in the Official Gazette, specify."

Amendment
of section 13.

14. In section 13 of the principal Act, in the opening portion, for the words "the Institute", the words "every Institute" shall be substituted.

Amendment
of section 14.

15. In section 14 of the principal Act, in the opening portion, for the words "the Institute", the words "every Institute" shall be substituted.

Amendment
of section 15.

16. In section 15 of the principal Act, for the words "the Institute", the words "every Institute" shall be substituted.

Amendment
of section 16.

17. In section 16 of the principal Act, in sub-section (1),—

(i) for the words "The Institute", the words "Every Institute" shall be substituted;

(ii) after clause (d), the following proviso shall be inserted, namely:—

"Provided that the Fund maintained by the existing Institute and the society, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be deemed to be the Fund maintained under this section."

18. In section 17 of the principal Act,—

Amendment
of section 17.

(a) for the words "The Institute shall prepare", the words "Every Institute shall prepare" shall be substituted;

(b) for the words "expenditure of the Institute", the words "expenditure of the concerned Institute" shall be substituted.

19. In sections 18 and 19 of the principal Act, for the words "The Institute" and "the Institute", wherever they occur, the words "Every Institute" and "every Institute" shall, respectively, be substituted.

Amendment
of sections
18 and 19.

20. In section 20 of the principal Act, in sub-section (1),—

Amendment
of section 20.

(a) for the words "The Institute", the words "Every Institute" shall be substituted;

(b) the following proviso shall be inserted, namely:—

"Provided that the pension and provident fund constituted by the existing Institute or society, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be deemed to be the pension and provident fund under this section."

21. In section 21 of the principal Act,—

Amendment
of section 21.

(a) for the words "decisions of the Institute", the words "decisions of every Institute" shall be substituted;

(b) for the words "officer of the Institute", the words "officer of every Institute" shall be substituted.

22. In sections 22, 23, 24, 25 and 27 of the principal Act, for the words "The Institute" and "the Institute", wherever they occur, the words "Every Institute" and "every Institute" shall, respectively, be substituted.

Amendment
of sections
22, 23, 24,
25 and 27.

23. After section 27 of the principal Act, the following sections shall be inserted, namely:—

Insertion of
new sections
27A, 27B,
27C and 27D.

"27A. Each of the Institute, registered as society under the Societies Registration Act, 1860 and mentioned in column (2) of the Table below shall be a body corporate having perpetual succession and common seal and shall by its name mentioned in column (3) of that Table, sue and be sued:

Incorporation
of Institute
registered as
society under
the Societies
Registration
Act, 1860.

21 of 1860

TABLE

LIST OF SOCIETIES INCORPORATED AS ALL-INDIA INSTITUTES OF MEDICAL SCIENCES

Serial Number	Society	Corresponding Institute and place of its location
(1)	(2)	(3)
1.	All-India Institute of Medical Sciences, Bhopal	All-India Institute of Medical Sciences, Bhopal (Madhya Pradesh).
2.	All-India Institute of Medical Sciences, Bhubaneswar	All-India Institute of Medical Sciences, Bhubaneswar (Odisha).
3.	All-India Institute of Medical Sciences, Jodhpur	All-India Institute of Medical Sciences, Jodhpur (Rajasthan).
4.	All-India Institute of Medical Sciences, Patna	All-India Institute of Medical Sciences, Patna (Bihar).

(1)	(2)	(3)
5.	All- India Institute of Medical Sciences, Raipur	All-India Institute of Medical Sciences, Raipur (Chhattisgarh).
6.	All- India Institute of Medical Sciences, Rishikesh	All-India Institute of Medical Sciences, Rishikesh (Uttarakhand).

Effect of
incorporation
of Institutes.

27B. (1) On and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012,—

(a) any reference to a society in any law, other than this Act, or in any contract or other instrument, shall be deemed as a reference to the corresponding Institute;

(b) all property, movable and immovable, of or belonging to a society shall vest in the corresponding Institute;

(c) all the rights and liabilities of a society shall be transferred to, and be the rights and liabilities of, the corresponding Institute;

(d) subject to the provisions of this Act, every person (including Director, officers and other employees) who is employed in the society, immediately before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall, on and after such commencement, become an employee of the corresponding Institute and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same on the date of the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, as if the said Act had not been promulgated, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by regulations;

Provided that the tenure, remuneration and terms and conditions of service of any such person shall not be altered to his disadvantage without the previous approval of the Central Government;

(e) the governing body of every society, shall, from the date of constitution of the Governing Body under sub-section (1) of section 10, stand dissolved and no chairperson or other person shall be entitled to any compensation for the premature termination of the term of his office or of any contract of service;

(f) all committees (including Standing Committee, if any) of the society shall stand dissolved;

(g) any examination conducted by the existing Institute for admission of candidates for award of medical degrees and diplomas by such society shall be valid examination and be deemed to have been conducted by the corresponding Institute.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, absorption of any employee by the corresponding Institutes in its regular service under this section shall not entitle such employee to any compensation under this Act or any other law and no such claim shall be entertained by any court, tribunal or other authority.

27C. All provisions of this Act shall, *mutatis mutandis*, apply to the societies, referred to in column (2) of the Table given under section 27A, incorporated into All-India Institutes of Medical Sciences referred to in column (3) of the said Table.

Provisions of
this Act to apply
to societies
incorporated
into All-India
Institutes of
Medical Sciences
under section
27A.

27D. (1) The Central Government may, if it is of the opinion that certain measures are required for speedy and effective functioning of corresponding Institutes (other than the existing Institute), by notification in the Official Gazette, specify such measures as it may consider necessary for the smooth and effective functioning of such Institutes:

Power to make transitory provisions for Institutes (other than existing Institute).

Provided that no such notification shall be issued under this section, after the expiry of a period of two years from the date of commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012.

(2) Every notification issued under this section shall be laid, as soon as may be after it is made, before each House of Parliament."

24. In section 28 of the principal Act,—

Amendment of section 28.

(a) in sub-section (1), for the words "the Institute", the words "all the Institutes" shall be substituted;

(b) in sub-section (2),—

(i) for the words "the Institute", wherever they occur, the words "every Institute" shall be substituted;

(ii) after clause (a), the following clause shall be inserted, namely:—

"(aa) the proportion of allowances of the President to be borne by the Institutes under the proviso to section 8;"

25. In section 29 of the principal Act,—

Amendment of section 29.

(a) in sub-section (1),—

(i) in the opening portion, for the words "The Institute", the words "Every Institute" shall be substituted;

(ii) after clause (n), the following proviso shall be inserted, namely:—

"Provided that the regulations made by the existing Institute, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall continue to be the regulations made under this section until such regulations are amended or rescinded by the existing Institute in accordance with the provisions of this section.";

(b) in sub-section (2), the following proviso shall be inserted, namely:—

"Provided that every corresponding Institute shall, within three months of the date of the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, make regulations."

Ord. 1 of 2012.

26. (1) The All-India Institute of Medical Sciences (Amendment) Ordinance, 2012, is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

THE NATIONAL INSTITUTE OF MENTAL HEALTH AND NEURO-SCIENCES, BANGALORE ACT, 2012

Sections :

- (1. Short title and commencement.
2. Declaration of National Institute of Mental Health and Neuro-Sciences, Bangalore, as an institution of national importance.
3. Definitions.
4. Incorporation of Institute.
5. Composition of Institute.
6. Term of office of and vacancies among members.
7. Powers and functions of President.
8. Vice-President of Institute.
9. Allowances of President, Vice-President and other members.
10. Meetings of Institute.
11. Governing Body and other committees of Institute.
12. Staff of Institute.
13. Objects of Institute.
14. Functions of Institute.
15. Vesting of property.
16. Payment to Institute.
17. Fund of Institute.
18. Budget of Institute.
19. Accounts and audit.
20. Annual report.
21. Pension and provident funds.
22. Authentication of orders and instruments of Institute.
23. Acts and proceedings not to be invalidated by vacancies, etc.
24. Grant of medical degrees, diplomas, etc., by Institute.
25. Recognition of medical qualifications granted by Institute.
26. Control by Central Government.
27. Resolution of differences.
28. Returns and information.
29. Transfer of service of existing employees.
30. Power to make rules.
31. Power to make regulations.
32. Laying of rules and regulations before Parliament
33. Power to remove difficulties.

Bhopal, the 3rd July 2013

No. 5113-181-XXI-A(Dr.).—The following Act of the Parliament, published in the Gazette of India, Extraordinary Part II, Section 1, dated the 14th June, 2012 is hereby republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 13th June, 2012.

By order and in the name of the Governor of Madhya Pradesh,
RAJESH YADAV, Addl. Secy.

THE NATIONAL INSTITUTE OF MENTAL HEALTH AND NEURO-SCIENCES, BANGALORE ACT, 2012

(Act No. 38 OF 2012)

An Act to declare the institution known as the National Institute of Mental Health and Neuro-Sciences, Bangalore, to be an institution of national importance and to provide for its incorporation and for matters connected therewith.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the National Institute of Mental Health and Neuro-Sciences, Bangalore Act, 2012.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Whereas the objects of the National Institute of Mental Health and Neuro-Sciences, Bangalore are such as to make the institution one of national importance, it is hereby declared that the National Institute of Mental Health and Neuro-Sciences, Bangalore is an institution of national importance.

Declaration of National Institute of Mental Health and Neuro-Sciences, Bangalore, as an institution of national importance.

Definitions.

3. In this Act, unless the context otherwise requires,—

- (a) "Fund" means the Fund of the Institute referred to in section 17;
- (b) "Governing Body" means the Governing Body of the Institute;
- (c) "Institute" means the institution known as the National Institute of Mental Health and Neuro-Sciences, Bangalore, incorporated under this Act;
- (d) "member" means a member of the Institute;
- (e) "prescribed" means prescribed by rules made under this Act;
- (f) "specified" means specified by regulations made under this Act.

Incorporation of Institute.

4. The National Institute of Mental Health and Neuro-Sciences, Bangalore, an Institute registered under the Karnataka Societies Registration Act, 1960 on the 27th day of December, 1974, is hereby constituted a body corporate by the name aforesaid and as such body corporate, it shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract and shall, by that name, sue and be sued.

Karnataka Act, XVII of 1960.

Composition of Institute.

5. (1) The Institute shall consist of the following members, namely:—

- (a) the Minister of Health and Family Welfare, *ex officio*;
- (b) the Minister of Health and Family Welfare (Medical Education), Government of Karnataka, *ex officio*;
- (c) Secretary to the Government of India in the Ministry or Department of Health and Family Welfare, *ex officio*;
- (d) the Director of the Institute, *ex officio*;
- (e) Secretary to the Government of India or his nominee (not below the rank of Joint Secretary) Ministry of Finance, Department of Expenditure, *ex officio*;
- (f) Secretary to the Government of India or his nominee (not below the rank of Joint Secretary) in the Department of Higher Education, Ministry of Human Resource Development, *ex officio*;
- (g) the Director-General of Health Services, Government of India, *ex officio*;
- (h) the Vice-Chancellor of Rajiv Gandhi University of Health Sciences, Karnataka, *ex officio*;
- (i) the Chief Secretary to the Government of Karnataka or his nominee who shall not be below the rank of Secretary to that Government;
- (j) seven persons of whom one shall be a non-medical scientist representing the Indian Sciences Congress Association, and, one each from biological; behavioural and physical sciences, of repute, from any University to be nominated by the Central Government in such manner as may be prescribed;
- (k) four representatives of medical faculties of Indian Universities, of whom one shall be from the National Institute of Mental Health and Neuro-Sciences, to be nominated by the Central Government in such manner as may be prescribed;
- (l) three Members of Parliament of whom two shall be elected from among themselves by the members of the House of the People and one from among themselves by the members of the Council of States.

(2) It is hereby declared that the office of member of the Institute shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

Term of office of and vacancies among members.

6. (1) Save as otherwise provided in this section, the term of office of a member shall be five years from the date of his nomination or election.

(2) The term of office of a member elected under clause (l) of sub-section (1) of section 5 shall come to an end as soon as he becomes a Minister or Minister of State or Deputy Minister or the Speaker or the Deputy Speaker of the House of the People or the Deputy Chairman of the Council of States or ceases to be a member of the House from which he was elected.

(3) The term of office of an *ex officio* member shall continue so long as he holds the office by virtue of which he is such a member.

(4) The term of office of a member nominated or elected to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he is nominated or elected.

(5) An outgoing member other than a member elected under clause (1) of sub-section (1) of section 5 shall continue in office until another person is nominated as a member in his place or for a period of three months, whichever is earlier:

Provided that the Central Government shall nominate a member in place of an outgoing member within the said period of three months.

(6) An outgoing member shall be eligible for re-nomination or re-election.

(7) A member may resign his office by writing under his hand addressed to the Central Government but he shall continue in office until his resignation is accepted by that Government.

(8) The manner of filling vacancies among members shall be such as may be prescribed.

7. (1) There shall be a President of the Institute who shall be nominated by the Central Government from amongst the members other than the Director of the Institute.

Powers and functions of President.

(2) The President shall exercise such powers and discharge such functions as are laid down in this Act or as may be prescribed.

8. There shall be a Vice-President of the Institute who shall be nominated by the Central Government from amongst the members other than the Director of the Institute.

Vice-President of Institute.

9. The President, Vice-President and other members shall receive such allowances from the Institute as may be prescribed.

Allowances of President, Vice-President and other members.

10. The Institute shall hold its first meeting at such time and place as may be appointed by the Central Government and shall observe such rules of procedure in regard to the transaction of business at the first meeting as may be laid down by that Government, and thereafter, the Institute shall meet at such times and places and observe such rules of procedure in regard to the transaction of business at its meetings as may be specified.

Meetings of Institute.

11. (1) There shall be a Governing Body of the Institute which shall be constituted by the Institute in such manner as may be specified :

Governing Body and other committees of Institute.

Provided that the number of persons who are not members of the Institute shall not exceed one-third of the total membership of the Governing Body.

(2) The Governing Body shall be the executive committee of the Institute and shall exercise such powers and discharge such functions as the Institute may specify in this behalf.

(3) The President of the Institute shall be the Chairperson of the Governing Body and as Chairperson thereof he shall exercise such powers and discharge such functions as may be specified.

(4) The procedure to be followed in the exercise of its powers and discharge of its functions by the Governing Body, and the term of office of, and the manner of filling vacancies among the members of the Governing Body shall be such as may be specified.

(5) Subject to such control and restrictions as may be prescribed, the Institute may constitute as many standing committees and as many *ad hoc* committees as it thinks fit for exercising any power or discharging any function of the Institute or for inquiring into, or reporting or advising upon, any matter which the Institute may refer to them.

(6) The Chairperson and members of the Governing Body and the Chairperson and the members of a standing committee or an *ad hoc* committee shall receive such allowances, as may be specified.

Staff of
Institute.

12. (1) There shall be a chief executive officer of the Institute who shall be designated as the Director of the Institute and shall, subject to such rules as may be prescribed, be appointed by the Institute:

Provided that the first Director of the Institute shall be appointed by the Central Government.

(2) The Director shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier.

(3) The Director shall act as the Secretary to the Institute as well as the Governing Body.

(4) The Director shall exercise such powers and discharge such functions as may be specified or as may be delegated to him by the Institute or the President of the Institute or the Governing Body or the Chairperson of the Governing Body.

(5) Subject to such rules as may be prescribed, the Institute may appoint such number of other officers and employees as may be necessary for the exercise of its powers and discharge of its functions and the designations and grades of other officers and employees shall be such as may be specified.

(6) Subject to such rules as may be prescribed, the Director and other officers and employees of the Institute shall be entitled to such salary and allowances and shall be governed by such conditions of service in respect of leave, pension, provident fund and other matters as may be specified.

Objects of
Institute.

13. The objects of the Institute shall be—

(a) to develop patterns of teaching in undergraduate and postgraduate medical education in all its branches with a focus on mental health, neuro-sciences and allied specialities so as to demonstrate a high standard of medical education;

(b) to bring together, as far as may be, in one place educational facilities of the highest order for the training of personnel in all important branches of health activity;

(c) to attain self-sufficiency in postgraduate medical education to meet the country's needs for specialists and medical teachers, particularly in the field of mental health, neuro-sciences and allied specialities;

(d) to evolve innovative strategies to offer diagnostic and comprehensive therapeutic service facilities in the field of mental health and neuro-sciences, utilising the advances in information technology;

(e) to make an in-depth study and research in the field of mental health, neuro-sciences and allied specialities.

Functions of
Institute.

14. With a view to the promotion of the objects specified in section 13, the Institute may—

(a) provide for undergraduate and postgraduate teaching in the science of modern medicine and other allied sciences including physical and biological sciences;

(b) provide facilities for research in the various branches of such sciences;

(c) provide for the teaching of humanities;

(d) conduct experiments in new methods of medical education, both undergraduate and postgraduate, in order to arrive at high standard of such education;

(e) specify courses and curricula for both undergraduate and postgraduate studies;

(f) notwithstanding anything contained in any other law for the time being in force, establish and maintain,—

(i) one or more medical institutions with different departments staffed and equipped to undertake education and conduct research in different subjects,

(ii) one or more well equipped hospitals to provide clinical services,

(iii) nursing colleges staffed and equipped for the training of nurses,

(iv) rural and urban health centres which will form centres for the field training of the medical and nursing students of the Institute, and

(v) other institutions for the training of different types of health workers such as physiotherapists, occupational therapists and medical technicians of various kinds;

(g) trained teachers from different medical colleges in India;

(h) hold examinations and grant such degrees, diplomas and other academic distinctions and titles in undergraduate and postgraduate medical, nursing and allied specialities education as may be laid down in the regulations;

(i) induct and appoint persons as professors, readers, lecturers and in posts of other description in accordance with regulations;

(j) receive grants from the Government and gifts, donations, benefactions, bequests and transfers of properties, both movable and immovable, from donors, benefactors, testators or transferors, as the case may be;

(k) deal with any property belonging to, or vested in, the Institute in any manner which is considered necessary for promoting the objects specified in section 12;

(l) demand and receive with the prior approval of the Central Government such fees and other charges as may be specified;

(m) construct quarters for its staff and allot such quarters to the staff in accordance with such regulations as may be made in this behalf;

(n) borrow money, with the prior approval of the Central Government, on the security of the property of the Institute;

(o) do all such other acts and things as may be necessary in furtherance of the objects specified in section 13.

Karnataka
Act XVII
of 1960.

15. (1) The properties of the National Institute of Mental Health and Neuro-Sciences, Bangalore, registered under the Karnataka Societies Registration Act, 1960 shall, on the date of commencement of this Act, vest in the Institute. Vesting of property.

(2) All income and property of the Institute shall be applied towards the promotion of the objects thereof as set forth in this Act.

(3) No portion of the income and property of the Institute shall be paid or transferred, directly or indirectly, by way of profit to the persons, who at any time, or have been members of the Institute;

Provided that nothing herein contained shall prevent the payment of remuneration and other allowances to any member thereof or other persons for the services rendered to the Institute.

16. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Institute in each financial year such sums of money and in such manner as may be considered necessary for the exercise of its powers and discharge of its functions under this Act. Payment to Institute.

17. (1) The Institute shall maintain a Fund to which shall be credited—

(a) all moneys provided by the Central Government and the State Government of Karnataka; Fund of Institute.

(b) all fees and other charges received by the Institute;

(c) all moneys received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers; and

(d) all moneys received by the Institute in any other manner or from any other source.

(2) All moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Institute may, with the approval of the Central Government, decide.

(3) The Fund shall be applied towards meeting the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its functions under section 14.

Budget of
Institute.

18. The Institute shall prepare in such form and at such time every year a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Institute and shall forward to the Central Government such number of copies thereof as may be prescribed.

Accounts and
audit.

19. (1) The Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as the Central Government may prescribe, and in accordance with such general directions as may be issued by that Government, in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Institute shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Institute to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Institute shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the offices of the Institute as well as of the institutions established and maintained by it.

(4) The accounts of the Institute as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before both the Houses of Parliament.

Annual report.

20. The Institute shall prepare for every year a report of its activities during that year and submit the report to the Central Government in such form and on or before such date as may be prescribed and a copy of this report shall be laid before both Houses of Parliament within one month of its receipt.

Pension and
provident
funds.

21. (1) The Institute shall constitute for the benefit of its officers, teachers and other employees in such manner and subject to such conditions as may be specified such pension and provident funds as it may deem fit.

(2) Where any such pension or provident fund has been constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 shall apply to, such fund as if it were a Government Provident Fund. 19 of 1925.

Authentication
of orders and
instruments of
Institute.

22. All orders and decisions of the Institute shall be authenticated by the Director or any other member authorised by the Institute in this behalf and all other instruments shall be authenticated by the signature of the Director or such officers as may be authorised by the Institute.

Acts and
proceedings
not to be
invalidated by
vacancies, etc.

23. No act done or proceeding taken by the Institute, Governing Body or any standing or *ad hoc* committee under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of the Institute, Governing Body or such standing or *ad hoc* committee.

Grant of
medical
degrees,
diplomas, etc.,
by Institute.

24. Notwithstanding anything contained in any other law for the time being in force, the Institute shall have the power to grant medical and nursing degrees, diplomas, certificates and other academic distinctions and titles under this Act.

102 of 1956.
34 of 1992.
48 of 1947.
3 of 1956.

25. Notwithstanding anything contained in the Indian Medical Council Act, 1956, the Rehabilitation Council of India Act, 1992, the Indian Nursing Council Act, 1947 and the University Grants Commission Act, 1956, the medical degrees, diplomas, nursing degrees and certificates granted by the Institute under this Act shall be recognised medical qualifications for the purposes of the Acts aforesaid and shall be deemed to be included in the Schedule to the respective Acts.

Recognition of medical qualifications granted by Institute.

26. The Institute shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.

Control by Central Government.

27. If in, or in connection with, the exercise of its powers and discharge of its functions by the Institute under this Act, any dispute or difference arises between the Institute and the Central Government, the decision of the Central Government thereon shall be final.

Resolution of differences.

28. The Institute shall furnish to the Central Government such reports, returns and other information as that Government may require from time to time.

Returns and information.

29. Subject to the provisions of this Act, every person who is employed in the National Institute of Mental Health and Neuro-Sciences, Bangalore, immediately before the commencement of this Act, shall, on and from such commencement, become an employee of the Institute and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same on the date of commencement of this Act if this Act had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by regulations:

Transfer of service of existing employees.

Provided that the tenure, remuneration and terms and conditions of service of any such person shall not be altered to his disadvantage without the previous approval of the Central Government.

30. (1) The Central Government may in consultation with the Institute by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner of nomination of members under clauses (j) and (k) of sub-section (1) of section 5;

(b) the manner of filling vacancies of members under sub-section (8) of section 6;

(c) the powers and functions to be exercised and discharged by the President of the Institute under sub-section (2) of section 7;

(d) the allowances to be paid to the President and other members of the Institute under section 9;

(e) the control and restrictions in relation to the constitution of standing and *ad hoc* committees under sub-section (5) of section 11;

(f) appointment of Director and other officers and employees and salaries and allowances and other conditions of service of the Director and other officers and employees of the Institute under section 12;

(g) the form in which, and the time at which, the budgets and reports shall be prepared by the Institute under section 18;

(h) the form of annual statement of accounts including balance-sheet under sub-section (1) of section 19;

(i) the form of annual report under section 20;

(j) any other matter which has to be or may be prescribed by rules.

Power to
make
regulations.

31. (1) The Institute with the previous approval of the Central Government, may by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act, and without prejudice to the generality of this power, such regulations may provide for—

(a) the summoning and holding of meetings, other than the first meeting, of the Institute, the time and place where such meetings are to be held and the conduct of business at such meetings under section 10;

(b) the manner of constituting the Governing Body and standing and *ad hoc* committees, the term of office of, and the manner of filling vacancies therein, the allowances to be paid to the members and the procedure to be followed by the Governing Body; standing and *ad hoc* committees in the conduct of their business, exercise of their power, discharge of their function under section 11;

(c) the powers and duties of the Director of the Institute under sub-section (4), the designations and grades of other officers and employees under sub-section (5) and other conditions of service under sub-section (6) of section 12;

(d) the power of the Institute under section 14, to specify—

(i) courses and curricula for undergraduate and postgraduate studies under clause (e);

(ii) hold examination and grant degrees, diplomas, certificates and other academic distinctions and titles under clause (h);

(iii) the professorships, readerships, lectureships and other posts which may be instituted and persons who may be appointed to such posts under clause (i);

(iv) the management of the properties of the Institute under clauses (k) and (m);

(v) the fees and other charges which may be demanded and received by the Institute under clause (l);

(e) the manner in which, and the conditions subject to which, pension and provident funds may be constituted for the benefit of officers, teachers and other employees of the Institute under sub-section (1) of section 21;

(f) any other matter for which under this Act provisions may be made by regulations.

(2) Notwithstanding anything contained in sub-section (1), the first regulations under this Act shall be made by the Central Government; and any regulations so made may be altered or rescinded by the Institute in exercise of its powers under sub-section (1).

Laying of
rules and
regulations
before
Parliament.

32. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Power to
remove
difficulties.

33. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

भाग ४ (ग)—कुछ नहीं